

Lexington, Kentucky July 12, 2005

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on July 12, 2005 at 4:00 P.M. Present were Mayor Teresa Ann Isaac in the chair presiding, and the following members of the Council: Council Members Myers, Stevens, Stinnett, Wigginton, Brown, Cegelka, DeCamp, Ellinger, Farmer, Gorton, Lane, McChord and Moloney. Absent were Council Members Scanlon and Shafer.

The reading of the Minutes of the previous meeting was waived.

Ordinances No. 168-2005 thru 181-2005 inclusive and Resolutions No. 347-2005 thru 359-2005 inclusive were reported as having been signed and published, and were ordered to record.

Lexington, Kentucky July 12, 2005

The Invocation was given by Rabbi Marc Kline, Temple Adath Israel.

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Mr. Farmer spoke about the 2005 World Police and Fire Games, introduced the Urban County Government police officers present who participated, and spoke about the medals won by the group.

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The following ordinances were given second reading and passed by the following vote:

Aye: Myers, Stevens, Stinnett, Wigginton, Brown, Cegelka, DeCamp,
Ellinger, Farmer, Gorton, Lane, McChord, Moloney ----- 13

Nay: _____ 0

An Ordinance authorizing the Mayor to execute and submit a Grant Application to the Ky. Dept. of Education, Div. of School and Community Nutrition, to provide any additional information requested in connection with this grant application, and to accept this grant if the application is approved, which grant funds are in the amount of \$52,000.00 Federal funds, are for operation of the nutrition program at the Family Care Center, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2006 Schedule No. 19, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to execute and submit a Grant Application to the Ky. Dept. of Education, to provide any additional information requested in connection with this grant application, and to accept this grant if the application is approved, which grant funds are in the amount of \$47,000.00 in Federal funds and Commonwealth of Ky. funds, are for the National School Lunch Program – 2006, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2006 Schedule No. 20, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a grant from the Ky. Justice and Public Safety Cabinet, which grant funds are in the amount of \$22,071.00 Commonwealth of Ky. funds, are for operation of the drug task force in the Div. of Police, the acceptance of which does not obligate the Urban County Government for the

expenditure of funds, appropriating funds pursuant to FY 2006 Schedule No. 21, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Infrastructure Authority, which grant funds are in the amount of \$2,300,000.00 Commonwealth of Ky. funds, are for the provision of sanitary sewer service to households in the Bracktown, Cadentown and Wilderness Road areas under the Unsewered Areas Project, the acceptance of which does not obligate the Urban County Government for a local match, appropriating funds pursuant to FY 2006 Schedule No. 22, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Infrastructure Authority, which grant funds are in the amount of \$600,000.00 Commonwealth of Ky. funds, are for the Blue Sky Waste Water Treatment Plant Upgrade Project, the acceptance of which does not obligate the Urban County Government for a local match, appropriating funds pursuant to FY 2006 Schedule No. 23, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Justice and Public Safety Cabinet, which grant funds are in the amount of \$2,085,711.00 Commonwealth of Ky. funds, are for police training incentive funds, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2006 Schedule No. 25, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Firefighters' Training Incentive Program, which grant funds are in the amount of \$1,994,199.00 Commonwealth of Ky. funds, are for training incentive funds for firefighters, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2006 Schedule No. 26, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Justice and Public Safety Cabinet, which grant funds are in the amount of \$57,500.00 Commonwealth of Ky. funds, are for expanding the Hope Therapeutic Program at the Detention Center, the acceptance of which does not obligate the Urban County

Government for the expenditure of funds, appropriating funds pursuant to FY 2006 Schedule No. 27, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to execute and submit a Grant Application to the Ky. Dept. of Agriculture, to provide any additional information requested in connection with this grant application, and to accept this grant if the application is approved, which grant funds are in the amount of \$8,617.00 Commonwealth of Ky. funds, are for the Animal Disposal Cost Share Program for FY 2006, the acceptance of which obligates the Urban County Government for the expenditure of \$8,618.00, subject to sufficient funds being appropriated in FY 2006, appropriating funds pursuant to FY 2006 Schedule No. 29, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to execute Agreements with the Center for Women, Children and Families (\$20,000.00), Partner for Youth Foundation, Inc. (\$62,710.00), and the Board of Education of Fayette County, Kentucky (\$180,000.00), for the 2005-2006 Community Juvenile Justice Partnership Grant Program Services, at a cost not to exceed \$262,710.00, and appropriating funds pursuant to FY 2006 Schedule No. 31.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing two (2) positions of Community Corrections Officer, Grade 110N, and amending Sections 22-5 of the Code of Ordinances creating two (2) positions of Probation Officer, Grade 110N, in the Div. of Community Corrections and appropriating funds pursuant to FY 2006 Schedule No. 30.

An Ordinance amending Section 21-25, 22-22, 22-5(2), 22-53.2, and 23-28 of the Code of Ordinances providing a three and six tenths percent (3.6%) structure movement to the salary schedules applicable to classified civil service employees, unclassified civil service employees, Staff to Council, Traffic School Guards, and all non-bargaining unit sworn employees, and a three and six tenths percent (3.6%) increase to the top of the pay grade of Program Assistant - P/T; providing that all classified and unclassified civil service employees, except seasonal employees in account 332, who receive a satisfactory score on their performance evaluation,

pursuant to Sections 21-29(d) and 22-26(5) of the Code of Ordinances, shall receive a five percent (5%) pay increase, to be effective retroactive to June 27, 2005; and amending Section 22-5 of the Code of Ordinances to increase the salary by five percent (5%) of one position of Friend of the Court, Grade 000, within the Office of the Circuit Judges, one (1) position of ABC Administrator – P/T, Grade 000, within the Office of Alcohol Beverage Control, three (3) positions of Law Clerk – P/T, Grade 000, within the Dept. of Law, three (3) positions of Skilled Trades Worker – P/T, Grade 000, within the Div. of Community Corrections, one (1) position of Park Patrol Coordinator - P/T, Grade 000, and thirty (30) positions of Park Patrol Officer - P/T, Grade 000, within the Div. of Parks, to be effective retroactive to June 27, 2005.

An Ordinance amending Section 2-251 of the Code of Ordinances, to update and revise the membership of the Domestic Violence Prevention Board.

An Ordinance amending Section 21-5 of the Code of Ordinances creating two (2) positions of Staff Assistant Sr., Grade 108N, and amending Section 23-5 of the Code of Ordinances creating one (1) position of Police Sergeant, Grade 315N, all within the Div. of Police.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Social Services Coordinator, Grade 114E, and creating one (1) position of Program Administrator, Grade 117E, and reclassifying the incumbent, in the Dept. of Social Services, to become effective retroactive to March 16, 2005, and appropriating funds pursuant to Schedule No. 40 for FY2006.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Parks Maintenance Manager, Grade 114E and creating one (1) position of Operations Manager, Grade 116E and reclassifying the incumbent, in the Div. of Parks, to become effective retroactive to May 18, 2005, and appropriating funds pursuant to FY2006 Schedule No. 41.

An Ordinance adjusting the salary levels of Don Fisher, Recreation Manager, and William White, Public Service Worker Sr., in the Div. of Parks, and authorizing the payment of back salary and pension contributions to rectify the incorrect salary levels of the employees for FY 1999 through 2005; and appropriating funds pursuant to FY2006 Schedule No. 42.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Public Service Worker, Grade 106N, and creating one (1) position of Equipment Operator Sr., Grade 109N, and reclassifying the incumbent, in the Div. of Solid Waste, to become effective retroactive to March 16, 2005, and appropriating funds pursuant to FY2006 Schedule No. 43.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Communications Shift Manager, Grade 116N, and creating one (1) position of Communications Manager, Grade 117E, and reclassifying the incumbent, in the Div. of Fire, to become effective retroactive to June 22, 2005, and appropriating funds pursuant to FY2006 Schedule No. 44.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Clerical Assistant Sr., Grade 106N, abolishing one (1) position of Staff Assistant, Grade 107N, abolishing one (1) position of Staff Assistant Sr., Grade 108N, abolishing two (2) positions of Administrative Specialist, Grade 110N, creating two (2) positions of Staff Assistant Sr., Grade 108N, and reclassifying the incumbents; creating one (1) position of Administrative Specialist, Grade 110N, and reclassifying the incumbent, all to be effective retroactive to April 20, 2005; creating one (1) position of Records Management Analyst Sr., Grade 113N, effective upon passage; creating one (1) position of Records Management Analyst, Grade 111N, and reclassifying the incumbent, to be effective retroactive to May 18, 2005; reallocating one (1) position of Council Clerk from Grade 117E to Grade 118E, and reallocating one (1) position of Deputy Council Clerk from Grade 114N to Grade 116E, all to be effective retroactive to May 18, 2005; amending Section 22-5 of the Code of Ordinances abolishing one (1) position of Administrative Specialist – P/T, Grade 110N, and creating one (1) position of Records Management Analyst – P/T, Grade 111N, and appropriating funds pursuant to FY2006 Schedule No. 45.

An Ordinance amending Section 23-5 of the Code of Ordinances abolishing one (1) position of Pastoral Counselor, Grade 313E, and creating one (1) position of Police Officer, Grade 311N, and reclassifying the incumbent, in the Div. of Police.

An Ordinance authorizing the Mayor to execute a Purchase of Service Agreement with Blue Grass State Games, Inc., to organize, fund and conduct the

Summer Blue Grass State Games, at a cost not to exceed \$22,500.00, and appropriating funds pursuant to FY2006 Schedule No. 32.

An Ordinance authorizing the Mayor to accept a Grant from the United Way of the Bluegrass, which grant funds are in the amount of \$442,950.00, are for continuation of the Building Bluegrass Bridges Program at the Family Care Center, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY2006 Schedule No. 33, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Office of Homeland Security, which grant funds are in the amount of \$220,764.00 Federal funds, are for continuation of the Metropolitan Medical Response System (MMRS), the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY2006 Schedule No. 34, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to execute and submit a Grant Application to the Ky. Governor's Office of Local Development, to provide any additional information requested in connection with this grant application, and to accept this grant if the application is approved, which grant funds are in the amount of \$15,930.00 Commonwealth of Ky. funds, are for participation in the FY 2006 Area Development Fund, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY2006 Schedule No. 35, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Dept. of Education, which grant funds are in the amount of \$150,000.00 Federal funds, are for enhancement of the Tates Creek Elementary School Creative Activities Program, the Homework Huddle at Gainesway Community Empowerment Center, the Dare To Be You Program at Tates Creek Elementary School, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY2006 Schedule No. 36, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Transportation Cabinet, which grant funds are in the amount of \$100,000.00 Federal funds, are for the design phase of the Grimes Mill Road Bridge Project, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, a match of \$25,000.00 being provided by the Commonwealth, appropriating funds pursuant to FY2006 Schedule No. 37, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to execute and submit a Grant Application to the U.S. Dept. of Justice on behalf of the U. S. Attorney's Office, Eastern District of Ky., to provide any additional information requested in connection with this grant application and to accept this grant if the application is approved, which grant funds are in the amount of \$86,877.00 Federal funds, are for continuation of the Project Safe Neighborhoods Program, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY2006 Schedule No. 38, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to execute and submit a Grant Application to the Ky. Dept. of Juvenile Justice, to provide any additional information requested in connection with this grant application, and to accept this grant if the application is approved, which grant funds are in the amount of \$23,895.00 Federal funds from the Juvenile Accountability Block Grant (JABG) Program, are for funding of programs developed to promote greater accountability in the Juvenile Justice System, the acceptance of which obligates the Urban County Government for the expenditure of \$2,660.00, appropriating funds pursuant to FY2006 Schedule No. 39, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to execute Change Order No. 1 to the Contract with D. S. Baesler Construction, for the Family Care Center Health Clinic Expansion Project, increasing the contract price by the sum of \$26,840.25 from \$344,088.00 to \$370,928.25, and appropriating funds pursuant to FY2006 Schedule No. 46.

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An Ordinance authorizing the Mayor to accept a Grant from the Ky. Infrastructure Authority, which grant funds are in the amount of \$1,700,000.00 Commonwealth of Ky. funds, are for the North Elkhorn Diversion Pump Station and Force Main Project, the acceptance of which does not obligate the Urban County Government for a local match, appropriating funds pursuant to FY 2006 Schedule No. 24, and authorizing the Mayor to transfer unencumbered funds within the grant budget was given second reading and passed by the following vote:

Aye: Myers, Stevens, Stinnett, Wigginton, Brown, Cegelka, DeCamp,
Ellinger, Farmer, Gorton, Lane, McChord ----- 12

Nay: Moloney ----- 1

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The following ordinances were given second reading and passed by the following vote:

Aye: Myers, Stevens, Stinnett, Wigginton, Brown, DeCamp,
Ellinger, Farmer, Gorton, Lane, McChord, Moloney ----- 12

Nay: Cegelka ----- 1

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and reappropriating funds, Schedule No. 12.

An Ordinance amending Section 21-5 of the Code of Ordinances creating one (1) position of Staff Assistant, Grade 107N and creating two (2) positions of Code Enforcement Officer, Grade 113N, in the Div. of Building Inspection, effective upon passage by Council.

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An Ordinance amending Section 22-5 of the Code of Ordinances creating five (5) positions of Staff to Council II, Grade 000E, in the Office of the Urban County Council was given second reading and passed by the following vote:

Aye: Myers, Stevens, Stinnett, Wigginton, Brown, Farmer, Lane,
McChord ----- 8

Nay: Cegelka, DeCamp, Ellinger, Gorton, Moloney ----- 5

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An Ordinance authorizing the Mayor to amend the Community Development Block Grant 2004 Consolidated Plan to include a new project, Bluegrass-Aspendale

Boulevard Extended (\$200,000), and appropriating funds pursuant to FY 2006 Schedule No. 28 was on the docket for second reading.

Mr. Myers made a motion, seconded by Mr. Brown, to table the ordinance into the CDBG Oversight Committee and that the chair schedule a meeting in late August or early September in the evening.

Mr. Cegelka asked Mr. David Holmes, Commissioner of Law, to speak about the motion.

Mr. Myers restated his motion. Mr. Myers made a motion, seconded by Mr. Brown, to refer the ordinance to the CDBG Oversight Committee.

Dr. Stevens asked Mr. Myers and Mr. Brown about the reasons for the motion.

Mr. DeCamp asked Ms. Paula King, Director of Community Development, about the citizen input and minutes of the community meetings held on the issue.

There was a discussion among the Council on citizen input and information to the Council on the issue.

The motion passed by a vote of 9-4.

The ordinance was removed from the docket and placed into the CDBG Oversight Committee.

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The following ordinances were given first reading. Upon motion of Mr. Wigginton and seconded by Mr. Farmer, the rules were suspended by unanimous vote. The ordinances were given second reading and passed by the following vote:

Aye: Myers, Stevens, Stinnett, Wigginton, Cegelka, DeCamp,
Ellinger, Farmer, Gorton, Lane, McChord, Moloney ----- 12

Nay: ----- 0
(Mr. Brown was absent when the vote was taken.)

An Ordinance changing the zone from an Agricultural Urban (A-U) zone to a Light Industrial (I-1) zone for 14.11 net (15.78 gross) acres of property located at 2400 Old Frankfort Pike. (Santa Barbara Land Corporation)

An Ordinance changing the zone from a Wholesale and Warehouse Business (B-4) zone to a Lexington Center Business (B-2B) zone for 0.217 net (0.268 gross) acre of property located at 422, 424 and 428 West Maxwell Street, subject to certain use restrictions imposed as conditions of granting the zone change. (Dennis and Dottie Gibbs)

An Ordinance changing the zone from a Neighborhood Business (B-1) zone to a Mixed Use – Neighborhood Corridor (MU-2) zone for 0.48 net (0.73 gross) acre of property, from a Professional Office (P-1) zone to a Mixed Use – Neighborhood Corridor (MU-2) zone for .048 net (0.57 gross) acre of property, and from a Single Family Residential (R-1C) zone to a Planned Neighborhood Residential (R-3) zone for 0.29 net (0.33 gross) acre of property located at 1501, 1505, 1507 and 1509 Versailles Road and 105 Delmont Drive, subject to certain use and buffering restrictions imposed as a condition of granting the zone change. (Steven J. Mazurka (AMD)).

An Ordinance changing the zone from an Agricultural Urban (A-U) zone to a Highway Service Business (B-3) zone for 0.95 net (3.27 gross) acres of property located at 2318 Lake Park Road, subject to certain use and buffering restrictions imposed as conditions of granting the zone change. (2440, LLC)

An Ordinance pursuant to Section 2-1(c) of the Code of Ordinances of the Lexington-Fayette Urban County Government, to provide that the location of all Council Meetings, Work Sessions and Council Standing Committee Meetings scheduled to take place in the Council Chambers from July 13, 2005, to September 1, 2005, be held in the third floor conference room of the Phoenix Building, located at 101 East Vine Street.

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An Ordinance changing the zone from a Neighborhood Business (B-1) zone with conditional zoning restrictions to a Neighborhood Business (B-1) zone with modified conditional zoning restrictions for 4.19 net (5.83 gross) acres of property located at 1097 Duval Street (Nutti Builders, Inc.) was given first reading and ordered placed on file until a public hearing to be held on September 8, 2005 at 8:00 p.m.

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An Ordinance changing the zone from a Neighborhood Business (B-1) zone with conditional zoning restrictions to a Neighborhood Business (B-1) zone with modified conditional zoning restrictions for 4.19 net (5.83) gross acres of property located at 1097 Duval Street (Nutti Builders, Inc.) was given first reading and ordered placed on file until a public hearing to be held on September 8, 2005 at 8:00 p.m.

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The following ordinances were given first reading and ordered placed on file until August 18, 2005 for public inspection.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and reappropriating funds, Schedule No. 47.

Aye: Myers, Stevens, Stinnett, Wigginton, Brown, Cegelka, DeCamp,
Ellinger, Farmer, Gorton, McChord, Moloney ----- 12

Nay: ----- 0

(Mr. Lane was absent when the vote was taken.)

A Resolution accepting the bid of The Bri-Den Co., Inc., in the amount of \$64,000.00, for roof replacement at the Div. of Streets, Roads and Forestry Building #1.

A Resolution accepting the bid of Bulk Plants, Inc. establishing a price contract for synthetic transmission fluid, for the Div. of Fleet Services.

A Resolution accepting the bids of Brock McVey Co., Consolidated Electrical Distributors, Inc., Rexel Southland Electrical & DataCom and W. W. Grainger, Inc. establishing a price contract for bulbs and ballasts, for the Div. of Building Maintenance and Construction.

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A Resolution authorizing the Mayor to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from Allison L. Rumble, located at 1755 Timber Creek Drive, for Phase I of the Brighton East Rail Trail Project, and authorizing payment in the amount of \$3,350.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from Group Six, Inc., located at 114 Mt. Tabor Road, for the Mt. Tabor Road Improvements Project, and authorizing payment in the amount of \$7,250.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute an Amendment to Agreement with the Board of Education of Fayette County, Ky., for continuation of the 21st Century Community Learning Center Project for an additional year, at no additional cost to the Urban County Government.

A Resolution authorizing the Mayor to execute Amendment No. 2 to the contract with CDP Engineers, Inc. for Elkhorn Park Drainage Improvements, Phase 1 and 2, increasing the contract price by the sum of \$28,000.00 from \$285,000.00 to \$313,000.00.

A Resolution authorizing the Mayor to execute Change Order No. 1 to the contract with D & D Machinery Movers and Millwrights, Inc., for screw pump removal, increasing the contract price by the sum of \$9,780.00 from \$24,425.00 to \$34,205.00.

A Resolution authorizing the Mayor to execute Change Order No. 1 to the contract with Woodford Builders, Inc., for Recycling Center Expansion Project, increasing the contract price by the sum of \$40,252.95 from \$2,140,000.00 to \$2,180,252.95.

A Resolution authorizing the Mayor to execute Change Order No. 1 to the contract with Brown Sprinkler Corporation, for Carver Community Center Fire Protection System, increasing the contract price by the sum of \$5,235.00 from \$134,581.00 to \$139,816.00.

A Resolution authorizing the Mayor to execute Change Order No. 3 to the contract with J.M. Crawford and Associates, Inc., for the design of

Meadows/Northland/Arlington Public Improvements Project, Phase 2C, increasing the contract price by the sum of \$14,777.00 from \$254,298.00 to \$269,075.00.

A Resolution ratifying the probationary civil service appointments of: Myra Campbell, Staff Assistant Sr., Grade 108N, \$11.005 hourly, in the Div. of Sanitary Sewers, effective July 11, 2005; Wendell Green, Public Service Worker, Grade 106N, \$13.709 hourly, in the Div. of Solid Waste, effective July 11, 2005; Ladonna Tyler, Program Administrator, Grade 117E, \$1,671.12 bi-weekly, in the Div. of Youth Services, effective July 11, 2005; Robert Smith, Public Service Worker, Grade 106N, \$13.054 hourly, in the Div. of Solid Waste, effective July 11, 2005; Philip Thompson, Assistant Park Designer, Grade 110E, \$916.16 bi-weekly, in the Div. of Parks, effective July 11, 2005; Edyth J. Dabney, Community Corrections Captain, Grade 115E, \$2,108.16 bi-weekly, in the Div. of Community Corrections, effective July 11, 2005; ratifying the permanent civil service appointment of: William C. Faust, Vehicle and Equipment Technician, Grade 112N, in the Div. of Fleet Services, effective July 31, 2005; approving the probationary sworn appointments of: Jimmy Bowling, Kris Branham, Nathaniel Cornelius, Homer Day, Earl Denny, Chester Hager, Sean Ketron, Travis McQuinn, Adam Middleton, Justin Myatt, Christopher Oakley, Brian Plank, Paul Richards, Derek Roberts, Gregg Shroyer, Jason Sizemore, Ashley Womack, Firefighter, Grade 311N, \$15.13 hourly, in the Div. of Fire, effective July 25, 2005; approving leave of absence for: Tammy Vinegar-Ford, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, requests a leave of absence without pay from June 7, 2005 through July 27, 2005; Anita R. Lile, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, requests a leave of absence without pay from May 5, 2005 through July 12, 2005; approving the unclassified civil service appointment of: Jae L. Underwood, Program Administrator, Grade 117E, \$2,114.80 bi-weekly, in the Div. of Youth Services, effective July 11, 2005.

A Resolution amending section 2(b) of Resolution No. 252-2005 to change the reference for the new street address from 2999 Bowman Mill Road to 3001 Bowman Mill Road.

A Resolution authorizing the Mayor to accept a Donation of \$8,000.00 from the Center for Family and Community Services, for the Gainesway Community Empowerment Center to purchase items needed for the summer program.

A Resolution authorizing the Mayor to accept the Donation of a Helicopter, from the U. S. Government, for the Div. of Police.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and accept a Deed conveying a permanent storm sewer easement and temporary construction easement from Ralph and Pam Miller located at 140 Cherokee Park, for the Dantzler Arcadia Cherokee Park Phase II Project, and authorizing payment in the amount of \$8,050.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute and submit a Grant Application to the Ky. Justice and Public Safety Cabinet and to provide any additional information requested in connection with this grant application, which grant funds are in the amount of \$95,000.00 Federal funds, and are for continuation of the Motor Carrier Safety Assistance Program (MCSAP).

A Resolution authorizing the Mayor to execute and submit a Grant Application to the U. S. Dept. of Justice and to provide any additional information requested in connection with this grant application, which grant funds are in the amount of \$3,000,000.00 Federal funds, and are for enhancement of interoperable communications among public safety agencies in Fayette County.

A Resolution authorizing the Mayor to execute a Memorandum of Understanding with Bluegrass Workforce Investment Area, Bluegrass Chief Elected Officials, Bluegrass Workforce Investment Board, Bluegrass Area Development District, Office of Employment and Training, Office for the Blind, Office of Vocational Rehabilitation, Bluegrass Community and Technical College, Ky. Adult Education, Bluegrass Community Action Council, Dept. for Community Based Services, Foothills Community Action Partnership, and Ky. Farm Worker Program, for participation in the Fayette County Regional One-Stop Shop known as the Central Ky. Job Center, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute a Memorandum of Agreement with Dept. of Fish and Wildlife Resources, Commonwealth of Ky., for the stocking and managing of fish in Jacobson Park Reservoir, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute a Purchase of Service Agreement with the Explorium of Lexington, for services to the community, at a cost not to exceed \$237,500 for Fiscal Year 2006.

A Resolution authorizing the Mayor to execute a Purchase of Service Agreement with the Downtown Lexington Corporation, for the administration of programs to promote and revitalize downtown, at a cost not to exceed \$50,000.00.

A Resolution authorizing the Mayor to execute a Purchase of Service Agreement with the Lexington Downtown Development Authority, Inc., for provision of services as provided for in Code of Ordinances Article XXXX, at a cost not to exceed \$173,000.00.

A Resolution authorizing the Mayor to execute Purchase of Service Agreements with YWCA, Phillis Wheatley Center (\$10,000.00), The Salvation Army (\$100,000.00), Operation Read (\$27,550.00), Nursing Home Ombudsman Agency of the Bluegrass (\$45,000.00), Manchester Center (\$14,250.00), Hope Center (\$318,770.00), Environmental Commission (\$2,680.00), Community Action Council (\$163,260.00), Center for Women, Children and Families (\$22,060.00), Bluegrass Technology Center, Inc. (\$2,370.00), Bluegrass Rape Crisis Center (\$67,500.00), Comprehensive Care Center (\$194,750.00), Bluegrass Domestic Violence Program, Inc. (\$66,530.00), Bluegrass Community Action (\$20,000.00), Bluegrass Area Development District (\$71,810.00), and Baby Health Services (\$16,000.00), for various services to the Citizens of Lexington-Fayette County, at a cost not to exceed \$1,142,530.00.

A Resolution authorizing the Mayor to execute Agreements with the Lexington-Fayette Urban County Human Rights Commission (\$125,210.00) and Fayette County Legal Aid, Inc. (\$108,540.00), for purchase of services for FY2006, at a total cost not to exceed \$233,750.

A Resolution authorizing the Mayor to execute Second Amendments to Agreements with Ky. Transportation Cabinet, for extensions to June 30, 2006, for the Traffic Signal Installation Project, Alumni Drive Turn Lane Project, Bicycle and Pedestrian Enhancement Program, ITS Traffic Control Project, Congestion Management Study and Fiber Optic Installation Project, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute Change Order No. 1 to the Contract with The Walker Co. of Ky., Inc., for redesign of the leachate collection line for the Haley

Pike Landfill Closure, increasing the contract price by the sum of \$19,028.50 from \$4,941,941.00 to \$4,960,969.50.

A Resolution authorizing the Mayor to execute Change Order No. 1 to the Contract with KYOVA Electric, for Athens Park Field “C” Sports Lighting, increasing the contract price by the sum of \$2,041.21 from \$104,773.00 to \$106,814.21.

A Resolution authorizing the Mayor to execute Amendment No. 6 to the Contract with American Consulting Engineers, PLC, for Newtown Pike Extension Project, increasing the contract price by the sum of \$949,886.00 from \$3,172,130.83 to \$4,122,016.83.

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The following resolutions were given first reading. Upon motion of Dr. Stevens and seconded by Mr. Farmer, the rules were suspended by unanimous vote. The resolutions were given second reading and passed by the following vote:

Aye: Myers, Stevens, Stinnett, Wigginton, Brown, Cegelka, DeCamp,
Ellinger, Farmer, Gorton, Lane, McChord, Moloney ----- 13

May: _____ 0

A Resolution accepting the bids of AB Dick Products of Lexington, Inc. and Ikon Office Solutions establishing a price contract for digital multi-function copiers, for the various departments and divisions of the Lexington-Fayette Urban County Government.

A Resolution ratifying the probationary civil service appointments of: Malcolm L. Stallons, Information Officer, Grade 113E, \$1,841.52 bi-weekly, in the Div. of Government Communications, effective July 25, 2005; Ronald St. Clair, Engineering Bonds Officer, Grade 111N, \$15.696 hourly, in the Div. of Engineering, effective July 25, 2005; approving the unclassified civil service appointment of: Ursula Jones, Life Skills Program Instructor, Grade 110E, \$1,176.88 bi-weekly, in the Div. of Family Services, effective August 8, 2005.

A Resolution authorizing the Mayor to accept a donation of \$794.15 from Eastern Ky. University, for the Gainesway Community Empowerment Center to fund CJM Camp and various camp activities.

A Resolution authorizing the Mayor to accept a donation of \$600.00 from Chapel Hill Presbyterian Church, for the Gainesway Community Empowerment Center to fund Camp Gainesway field trips.

A Resolution authorizing the Mayor to accept a donation of \$1,197.50 from the Center for Family and Community Services, for the Gainesway Community Empowerment Center to fund Camp Gainesway field trips.

A Resolution authorizing the Mayor to execute a Release of Easement releasing a utility easement at 1820 Bryan Station Pike (Hi-Acres Shopping Center).

A Resolution accepting the proposal of AB Dick Products of Lexington, Inc. for software, software maintenance and lease of multi-function copiers and authorizing the Mayor to execute a Three Year Agreement with US Bancorp, for payment of these goods and services, at a cost not to exceed \$55,020.00 annually, subject to sufficient funds being appropriated in subsequent fiscal years.

A Resolution authorizing the Mayor to execute an Engineering Service Agreement with Parsons, Brinckerhoff, Quade and Douglas, Inc., for Glendover West Stormwater Improvement Project, at a cost not to exceed \$58,426.04.

A Resolution authorizing the Mayor to execute an Expansion Area Development Exaction Agreement with Walnut Hill Properties, LLC pursuant to Article 23 of the Zoning Ordinance setting out the type and cost of system improvements constructed by the developer in Expansion Area 2A, the amount of exaction credits earned, use for the exaction credits and amount of repayment to the developer from the development exaction fund.

A Resolution authorizing the Mayor to execute an Agreement with The Southland Association, Inc. (\$1,850.00), for the Office of the Urban County Council, at a cost not to exceed the sum stated.

A Resolution authorizing the Mayor to execute a Second Amendment to Agreement with the Ky. Transportation Cabinet, for extending the term of the Air Quality Planning Agreement for an additional twelve months through June 30, 2006, at no cost to the Urban County Government.

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Upon motion of Mr. Farmer, seconded by Mr. Stinnett and passed by unanimous vote, a Resolution authorizing the Mayor to execute the Certificate of Consideration and to accept a General Warranty Deed, from Brian and Erin Raines, for the property located at 213 St. Ann Drive for the Idle Hour Storm Drainage Project, at a cost not to

exceed \$125,000 plus usual and appropriate closing costs was placed on the docket and given first reading.

Upon motion of Dr. Stevens and seconded by Mr. Farmer, the rules were suspended by unanimous vote. The resolution was given second reading and passed by the following vote:

Aye: Myers, Stevens, Stinnett, Wigginton, Brown, Cegelka, DeCamp,
Ellinger, Farmer, Gorton, Lane, McChord, Moloney ----- 13

Nay: ----- 0

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Upon motion of Ms. Gorton, seconded by Mr. DeCamp and passed by unanimous vote, a Resolution authorizing the Mayor to execute an Agreement with Jane F. Brake, Ph.D., for the provision of mental health services to children and families served by the Div. of Youth Services, at a cost not to exceed \$6,800.00 was placed on the docket and given first reading.

Upon motion of Dr. Stevens and seconded by Mr. Farmer, the rules were suspended by unanimous vote. The resolution was given second reading and passed by the following vote:

Aye: Myers, Stevens, Stinnett, Wigginton, Brown, Cegelka, DeCamp,
Ellinger, Farmer, Gorton, Lane, McChord, Moloney ----- 13

Nay: ----- 0

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Upon motion of Ms. Gorton, seconded by Mr. Farmer and passed by unanimous vote, a Resolution authorizing the Mayor to execute an Agreement with Bluegrass Regional Mental Health-Mental Retardation Board, Inc., for mental health assessments, psychological assessments and competency evaluations for youth under the jurisdiction or supervision of the Div. of Youth Services, at a cost not to exceed \$12,000.00 was placed on the docket and given first reading.

Upon motion of Dr. Stevens and seconded by Mr. Farmer, the rules were suspended by unanimous vote. The resolution was given second reading and passed by the following vote:

Aye: Myers, Stevens, Stinnett, Wigginton, Brown, Cegelka, DeCamp,
Ellinger, Farmer, Gorton, Lane, McChord, Moloney ----- 13

Nay: ----- 0

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A Resolution authorizing the Mayor to execute an Agreement with Ad-Success, for design and implementation of the Mobility Office marketing campaign, at a cost not to exceed \$40,400.00 in Surface Transportation Program – Lexington (SLX) funds was given first reading and ordered placed on file until August 18, 2005 for public inspection.

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Upon motion of Dr. Stevens, seconded by Mr. Farmer and passed by unanimous vote, a Resolution approving the execution and delivery by the City of Versailles, Kentucky of its City of Versailles, Kentucky Educational Facilities Revenue Note (Providence Montessori School, Inc. Project), Series 2005 in an amount not to exceed \$1,400,000 (The “Note”), and the use of the proceeds thereof to assist Providence Montessori School, Inc. (The “School”) to (I) construct, install and equip a building to contain, among other things, classrooms, an art room and an assembly room on the School’s campus located at 1209 Texaco Road, Lexington, Kentucky 40508 (The “Campus”) and reimburse the School for costs already incurred in connection therewith; (II) acquire a parcel of real property adjacent to the Campus, raze or renovate the existing structure, and otherwise equip such lot for use by the School; (III) repay sums to JPMorgan Chase Bank, N.A. used to currently refund the School’s existing Lexington-Fayette Urban County Government Six Month Adjustable Rate Industrial Building Revenue Bonds, Series 1992 (Providence Montessori School, Inc. Project) in the approximate outstanding amount of \$405,000, the proceeds of which were used to finance the construction, installation and equipping of educational facilities on the Campus; and (IV) pay costs of issuance was placed on the docket, given first reading and ordered placed on file until August 18, 2005 for public inspection.

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Upon motion of Mr. Farmer and seconded by Dr. Stevens, the following communication from the Mayor was approved by unanimous vote: (1) recommending the reappointments of Gerry van der Meer, Tom Harris and Becky Estep to the Convention and Visitors Bureau Board with terms to expire 9-9-2008.

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Mr. Ellinger asked Mr. Holmes to explain the quorum requirement for the Special Meeting of the Council that was scheduled for 6:00 P.M. that evening.

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Mr. Robert Dalton, 520 Douglas Avenue, spoke in favor of sending the ordinance back to committee and having a public hearing on the Bluegrass-Aspendale Project.

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Ms. Rochelle Davis, stated her concerns with the lack of funding from the Urban County Government General Fund or from Community Development Block Grants for some non-profit projects in the community.

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Mr. Lou Gregory, Trent Boulevard, spoke against allowing people to have numerous dogs without requiring a kennel license because of the problems he has been having with a neighbor and the unsanitary conditions and noise from it, and he filed the following exhibit: (1) Photos of adjoining property and dog area.

Mr. Ellinger directed him to speak with Ms. Rebecca Langston, Commissioner of Public Safety, and stated that Mr. Gregory's Council Member, George Myers, had also agreed to work with him on the issue.

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The meeting adjourned at 5:21 p.m.

Clerk of the Urban County Council